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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,312	08/10/2005	Todd A. Loeffelholz	02316.1662USWO	6009

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EXAMINER	
NGO, HUNG V	
ART UNIT	PAPER NUMBER
2831	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/505,312	LOEFFELHOLZ ET AL.	
	Examiner	Art Unit	
	Hung V. Ngo	2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *24-26,29-38 and 41-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *24-26,29-38 and 41-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 24-26, 29-38, 42, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al (US 5,909,155).

Re claim 24, Anderson et al disclose a module (10) for containing a circuit, the module comprising:

a housing having a front wall (14) and a rear wall (16), the front wall including a conductive material (col. 3, line 16);

rear connectors (40) mounted at the rear wall; and

at least one receptacle (36, 38) defined through the front wall for receiving a circuit component (64), the receptacle having a depth of sufficient magnitude to choke emissions generated within the housing (Fig 1)(col. 3, line 39);

wherein the front wall is configured to choke RF emissions to a level such that the module radiates signals that are 100 db down or better from a carrier across a frequency range of 5 megahertz to 1 gigahertz, even in the absence of covers (functional as claimed); and

Re claim 25, further comprising a front connector (60, 41) positioned within the housing for interfacing with the circuit component, wherein the receptacle is adapted to guide the circuit component into the front connector.

Re claim 26, further comprising a plurality of the receptacles (36, 38) for receiving a plurality of circuit components (64), each receptacle having a depth of sufficient magnitude to choke emissions generated within the housing (Fig 1)(col. 3, line 39).

Re claim 31, a cover (100) adapted to be mounted over the receptacle.

Re claim 32, the cover made of metal (col. 10, line 40).

Re claim 36, wherein the circuit component or components include attenuator pads (64) (col. 5, lines 5-15).

Re claim 37, further comprising a cover (100) for covering the attenuator pads, the cover being configured such that attenuation values of the attenuator pads can be determined without removing the cover from the housing (functional as claimed).

Re claim 38, 42 wherein the module comprises splitter/combiner module and includes splitter/combiner circuitry (col. 5, line 34), and wherein the circuit component comprises an attenuator pad (64) (col. 5, lines 5-15).

The teaching as discussed above does not disclose the depth being greater than. 0.15 inches(re claim 24), 0.2 inches(re claim 29), 0.3 inches (re claim 30), the cover made of non-conductive material, plastic, transparent material (re claims 33-35, 43).

Re claims 24, 29, 30, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the depth of Anderson et al by employing

greater than 0.15 inches for intended purpose, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Re claims 33-35, 43, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use non-conductive material such as plastic or transparent material for the cover of Anderson et al for intended use, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al (US 5,909,155) in view of Vogele (US 4,873,600).

Re claim 41, Anderson et al disclose a housing having a front wall (14) and a real wall (16), the front wall including a conductive material (col. 3, line 15);

Rear connectors (40) mounted at the rear wall;

At least one receptacle (36, 38) defined through the front wall for receiving a circuit component

The teaching of Anderson et al as discussed above does not disclose the cover made of non-metallic material.

Vogele teaches the use of a non-metallic material such as (polyethylene)(col. 3, lines 40-42). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use non-metallic material for the cover of Anderson et al for the purpose of providing strength and rigidity

Response to Arguments

Applicant's arguments with respect to claim 24 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that there is no motivation to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung V. Ngo whose telephone number is (571) 272-1979. The examiner can normally be reached on Monday to Thursday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A. Reichard can be reached on (571) 272-2800 EXT 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVN
02-22-07

Hung V Ngo

HUNG V. NGO
PRIMARY EXAMINER